

IN THE UNITED STATES DISTRICT COURT
WESTERN DIVISION OF ARKANSAS
TEXARKANA DIVISION

TOMMY DWAYNE HALL

PLAINTIFF

VS.

Civil No. 04-CV-4131

H.L. PHILLIPS, Sheriff, Miller County,
Arkansas, JEFF BLACK, Head Jailer,
Miller County Sheriff's Department; and
LT. HONZA, Miller County Sheriff's
Department

DEFENDANTS

ORDER

Now on this 14th day of December, 2005, comes on for consideration the proposed findings and recommendations filed herein on November 22, 2005, by the Honorable Bobby E. Shepherd, United States Magistrate Judge for the Western District of Arkansas. Ten (10) days having passed without objections being filed by the parties, the court hereby adopts in toto the findings and recommendations.

Accordingly, the court finds that the defendants' motion for summary judgment should be and is hereby granted in part and denied in part. Specifically, the summary judgment motion is granted with respect to the following claims; (1) his claim he was denied access to legal materials and/or the courts; (2) his claim that he was denied access to books, magazines, newspapers or other access to the news; (3) his claim that the facility failed to comply with jail standards, the fire code, or presented a fire risk; and (4) his claim that he was subjected to unconstitutional conditions of confinement. The motion for summary judgment is denied on the failure to protect claim and the denial of medical care.

IT IS SO ORDERED.

/s/ Harry F. Barnes
HARRY F. BARNES
U.S. DISTRICT JUDGE